



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Wespercorp, Federal Systems Group, Inc.

File: B-231173

Date: July 12, 1988

DIGEST

Protester's allegation that the brand name product offered by the awardee does not conform to the brand name requested in the solicitation is without merit where the product offered is identical to the brand name solicited and has been successfully tested by the agency.

DECISION

Wespercorp, Federal Systems Group, Inc., protests the award of a contract to Genicom Corporation under invitation for bids (IFB) No. DTFA-02-88-B-00510, issued by the Federal Aviation Administration (FAA) for ribbon cartridges, specifically, Centronics P/N U23678001 or equal.

We deny the protest.

The solicitation provided that each bidder was required to submit bid samples if the offered product was other than the part number specified. Thus, the provision specifically excluded brand name offerors from the sample requirement. Additionally, the IFB stated the samples submitted must meet the salient characteristics, which required that one-fourth inch of the ribbon be of red pigmentation. The ribbon cartridge specified as the brand name is manufactured and distributed by Genicom (Genicom acquired Centronics) and is the type in use by the FAA, except that the ribbon previously in use had one-fourth inch of orange pigmentation.^{1/}

Bids were opened on March 4, 1988, and six firms responded with Genicom, the brand name manufacturer, being the lowest responsive bidder. Genicom was awarded the contract on April 19.

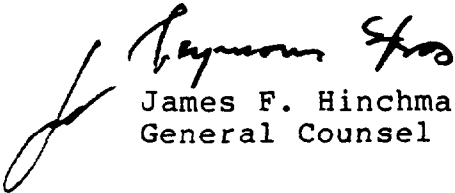
^{1/} Because the FAA preferred a vivid red color, Genicom apparently changed the pigmentation of its ribbon to red no later than 1987.

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Wespercorp alleges that Genicom's bid was nonresponsive because it had not submitted bid samples. The protester contends that the Genicom brand name product designated in the IFB requires additional testing to determine its technical acceptability because of the different color pigment. Specifically, Wespercorp argues that a change in pigmentation affects ink chemistry, altering the ribbon's function.

Initially, we note that since the IFB did not require a bid sample from the brand name offeror, Genicom's failure to submit a bid sample could not have rendered its bid non-responsive since it offered the brand name product listed in the IFB. In any event, the purpose of testing and evaluating a bid sample is to determine the item's compliance with government requirements. See Aul Instruments, Inc., et al., B-186854, June 29, 1977, 77-1 CPD ¶ 461. Here, the FAA reports that Genicom submitted samples of its red pigment ribbons to the agency in 1987 for testing, and that these ribbons were successfully tested for form, fit, and function. Because of the functional equivalence of these ribbons, Genicom simply retained the same part number despite the change in pigmentation. Thus, the record shows that Genicom's current brand name product meets the red pigment requirement listed as a salient characteristic, and that this item has successfully been tested in the past. We therefore find no basis to disturb the agency's determination that Genicom's bid complies with the government's requirements.

The protest is denied.


James F. Hinchman
General Counsel